

### Waiver of Service of Summons

**To: Clerk of the Court**

I acknowledge receipt of your request that I waive service of a summons in the action of *M. Nickerson (F77522) v. Broomfield, et al.*, which is case number 5:20-cv-06326-EJD (PR) in the United States District Court for the Northern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with a judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after October 7, 2021, or within 90 days after that date if the request was sent outside the United States.

Date: October 7, 2021

/s/ Zewugeberhan Desta

Signature

**Defendants Allison, Broomfield,  
and Clark hereby waive personal  
service of this complaint pursuant  
to rule 4(d) of the Federal Rules of  
Civil Procedure**

Zewugeberhan Desta  
Deputy Attorney General  
Office of the Attorney General

*Attorney for Defendants Allison, Broomfield,  
and Clark*

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the costs of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

## CERTIFICATE OF SERVICE

Case Name: **M. Nickerson (F77522) v.  
Broomfield, et al.**

No. **5:20-cv-06326-EJD (PR)**

I hereby certify that on October 7, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### WAIVER OF SERVICE OF SUMMONS

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On October 7, 2021, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Michael Vaugh Nickerson CDCR# F-77522  
San Quentin State Prison  
1 Main St.  
San Quentin, CA 94964  
In Pro Per

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 7, 2021, at Los Angeles, California.

D. Beltoya  
Declarant

/s/ D. Beltoya  
Signature